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Administrative Law Division
Judy Cooper, Manager

Natalie E. Tennant
Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304) 558-6000
www.wvsos.com

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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>
Education (126-36)	Instructional Resources Adoption: Notice, Request, and Instructions to Publishers (2445.41) Legislative	§§18-2-5, 18-2A-1 and 18-2A-2	Written Comments Only December 9, 2011, 4:00 pm Alma Simpson, Coordinator Office of Instruction WV Dept. of Education Capitol Building 6, Room 603 1900 Kanawha Boulevard East Charleston, WV 25305-0330
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) Legislative	§§18-2-5, 18A-3-1a, 18A-3-2b and 18A-3-10	Written Comments Only December 9, 2011, 4:00 pm Lisa D. Hedrick, Coordinator Office of Professional Preparation WV Dept. of Education Capitol Building 6, Room 252 1900 Kanawha Boulevard East Charleston, WV 25305-0330
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202)	§§18-1-1, 18-8-1, 18-2-5, 18-4-2, 18-10E-1, 18A-2-9, 18A-2-12, 18A-3-1, 18A-3-1a, 18A-3-2, 18A-2-2a, 18A-3-2b, 18A-3-3, 18A-3-3a, 18A-3A-3, 18A-3A-2d, 18A-3-6, 18A-3-7, 18A-3-10, 18A-4-1, 18A-4-2b, 18A-4-3, 18A-4-4, 18A-4-8e, 18A-4-20, 18A-4-20	Written Comments Only December 9, 2011, 4:00 pm Lisa D. Hedrick, Coordinator Office of Professional Preparation WV Dept. of Education Capitol Building 6, Room 252 1900 Kanawha Boulevard East Charleston, WV 25305-0330

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>DATE NOTICE FOR HEARING</u>

MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
Administration, Department of <i>Design-Build Board</i>	!!11/9/2011 3:39:37 PM	Emergency meeting for reconsideration of Monongalia County Urban Mass Transit Authority solar project	11/17/2011 10:00:00 AM Dept. of Administration Conference Room 1900 Kanawha Boulevard, East, Room E-131 Charleston, WV
Auditor's Office, State <i>WV Enterprise Resource Planning Board</i>	!!11/14/2011 3:05:51 PM	Emergency meeting to discuss approval of Pending Contract	11/17/2011 3:30:00 PM Governor's Cabinet and Press Conf. Room
Chiropractic Board	!!11/15/2011 8:45:52 AM	This is an emergency meeting to discuss a summary suspension for a licensee!	11/16/2011 2:00:00 PM Teleconference Board Members and Attorney General
Commerce <i>Coal Mine Health and Safety Board</i>	11/16/2011 7:27:20 AM	Sub-Committee meeting - will discuss possible new Drug Testing laws; and response to the Legislature on the Methane Shut-Down Laws and Whistle-Blower laws	11/28/2011 9:00:00 AM Hampton Inn, 1 Virginia St., W., Charleston
Conservation Agency, WV <i>WV State Conservation Committee</i>	!!11/14/2011 2:18:02 PM	Personnel Plans for the Conservation Districts, WCD Request to use residual funds for O&M, PVCD Dry Hydrant, Upper Deckers Creek Site 1 Rehab Request from MCD	11/29/2011 10:00:00 AM Gus R. Douglass Agricultural Center at Guthrie - Teleconference
Department of Environmental Protection <i>Division of Land Restoration</i>	11/16/2011 11:09:26 AM	UST Advisory Committee meeting	11/28/2011 10:00:00 AM DEP HQ-601 57th Street, SE 2129 New River Room Charleston
DHHR, WV <i>Secretary's Office</i>	11/9/2011 7:16:34 PM	Third meeting of the Governor's Regional Task Force on Substance Abuse for Region One, Hancock, Brooke, Ohio, Marshall and Wetzel counties.	11/30/2011 5:30:00 PM John Marshall High School 1300 Wheeling Ave. Glen Dale, WV 26038
DHHR, WV <i>Secretary's Office</i>	11/9/2011 7:23:50 PM	Third meeting of the Governor's Regional Task Force on Substance Abuse for Region 4 - the counties of Monongalia, Preston, Marion, Doddridge, Harrison, Taylor, Barbour, Tucker, Gilmer, Lewis, Upshur, Randolph & Braxton.	11/30/2011 9:00:00 AM Ramada Inn, 20 Scott Ave. Morgantown, WV 26508
DHHR, WV <i>Secretary's Office</i>	11/9/2011 7:25:40 PM	Third meeting of the Governor's Regional Task Force on Substance Abuse for Region 5, the counties of Mason, Putnam, Kanawha, Clay, Cabell, Wayne, Mingo, Logan, Lincoln & Boone.	11/29/2011 2:00:00 PM Christ Church United Methodist 1221 Quarrier St. Charleston, WV 25301
DHHR, WV <i>Secretary's Office</i>	11/9/2011 7:27:39 PM	Third meeting of the Governor's Regional Task Force on Substance Abuse for Region 6, the counties of Webster, Pocahontas, Nicholas, Fayette, Greenbrier, Raleigh, Summers, Monroe, Wyoming, Mercer & McDowell.	11/29/2011 7:00:00 PM Suite 1, Rahall Technology Center 804 Industrial Drive Maxwelton, WV 24957

*This meeting was filed late and does not comply with the Open Governmental Proceedings Act

! This meeting was filed as an emergency and does comply with the Open Governmental Proceedings Act

MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
DHHR-BHHF <i>SEOW</i>	10/28/2011 8:51:25 AM	To discuss new grant deliverables for 2011-2012; revisions to community profile template; comprehensive statewide school based survey, and the tri-state prescription drug taskforce.	11/28/2011 11:00:00 AM Diamond Building Charleston, WV
Highland Hospital Association <i>Board of Trustees</i>	12/20/2010 3:55:21 PM	Regularly scheduled meeting of the Board of Trustees.	11/29/2011 11:30:00 AM Second Floor Conference Room 300-56th Street Charleston, WV 25304
Highland Hospital Association <i>Board of Trustees</i>	12/20/2010 3:58:42 PM	Regularly scheduled meeting of the Board of Trustees.	11/29/2011 11:30:00 AM Second Floor Conference Room 300-56th Street Charleston, WV 25304
Investment Management Board, West Virginia <i>Legal Committee</i>	11/16/2011 3:01:36 PM	AGENDA: Approval of Minutes; Hear Litigation Report; Consider Action Regarding MF Global; Consider a Policy on Confidentiality of Discovery; Hear Presentation Regarding International Securities Litigation; Unfinished Business; New Business; Adjournment.	11/29/2011 3:00:00 PM West Virginia Investment Management Board 500 Virginia Street, East - Suite 200 Charleston, WV 25301
Kanawha County Solid Waste Authority	11/10/2011 3:44:39 PM	Regular monthly meeting	11/29/2011 10:00:00 AM 600 Slack Street Charleston
Marshall University <i>Board of Governors Executive Committee</i>	11/9/2011 4:27:49 PM	discuss upcoming meeting agenda for December 13, 2011, and possible Executive Session for this meeting	11/29/2011 3:00:00 PM Memorial Student Center President's Office Marshall University's Campus
Medical Imaging & Radiation Therapy Technology Board	9/30/2011 2:55:03 PM	Regular Board meeting. Agenda will be available five (5) days prior to the meeting on the Board's web page.	11/29/2011 5:00:00 PM Country Inns & Suites Elkview, WV
Northern Panhandle Community Criminal Justice Board	11/3/2011 1:31:16 PM	Regularly scheduled meeting	11/30/2011 11:00:00 AM Pier 12 Restaurant 30-12th Street Wellsburg, WV 26070
Real Estate Appraiser Board <i>Upgrades Committee</i>	8/16/2011 10:14:25 AM	To review upgrade applications & reports and make recommendations to the Board	11/29/2011 9:00:00 AM 2110 Kanawha Blvd., East Charleston, WV 25301
Shepherd University <i>Board of Governors</i>	*11/10/2011 2:59:53 PM	Regular Meeting: 1) Public Comments, 2) President's Report, 3) Annual Financial Management Report and Quarterly Report, 4) Office of Advancement Annual Report, 5) Enrollment Management Annual Report, 6) Strategic Indicators, 7) Executive Session - Awards and Honoraria, 8) New Business	11/17/2011 3:30:00 PM Lower Conference Room, Robert C. Byrd Center for Legislative Studies, 213 North King Street Shepherdstown, WV 25443

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MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
West Virginia State University Board of Governors <i>Special Committee on Personnel Matters and Policy</i>	11/16/2011 12:58:33 PM	To interview consulting firms for presidential search consultant and make recommendation to enter into contract with the selected firm following the interviews.	11/28/2011 10:00:00 AM 113 Ferrell Hall WVSU Campus Institute
WVDHHR <i>Governor's Regional Substance Abuse Task Force - Region 2</i>	11/15/2011 6:54:26 PM	Third meeting of the Governor's Regional Substance Abuse Task Force for region 2, covering the counties of Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Jefferson and Berkeley.	11/28/2011 2:00:00 PM Cacapon Resort State Park (Morgan Room) 818 Cacapon Lodge Drive Berkeley Springs, WV 25411
Southern West Virginia Community and Technical College <i>Board of Governors Agenda Committee</i>	7/19/2011 10:52:23 AM	To establish the agenda for the December 13, 2011 meeting of the Southern West Virginia Community and Technical College Board of Governors.	11/29/2011 9:00:00 AM Southern West Virginia Community and Technical College 2900 Dempsey Branch Road Room 428-Building C Mount Gay, WV and by Teleconference
Transportation <i>Highways</i>	11/1/2011 11:01:18 AM	To present the DOH report on three applications for inclusion into the Coal Resource Transportation System.	11/29/2011 1:00:00 PM State Capitol Complex Building 5, Room 122
Treasury Investments, WV Board of <i>Audit Committee</i>	11/14/2011 11:04:00 AM	Quarterly Meeting; * All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	11/30/2011 10:00:00 AM WV Water Development Authority 180 Association Drive Charleston, WV 25311-1217
Treasury Investments, WV Board of <i>Investment Committee</i>	11/14/2011 11:05:48 AM	Quarterly Meeting; * All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	11/30/2011 10:30:00 AM WV Water Development Authority 180 Association Drive Charleston, WV 25311-1217
Treasury Investments, WV Board of <i>Personnel Committee</i>	11/14/2011 11:06:52 AM	Quarterly Meeting; * All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	11/30/2011 11:15:00 AM WV Water Development Authority 180 Association Drive Charleston, WV 25311-1217
Treasury Investments, WV Board of <i>Quarterly Meeting</i>	11/14/2011 11:07:58 AM	Quarterly Meeting; * All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	11/30/2011 11:30:00 AM WV Water Development Authority 180 Association Drive Charleston, WV 25311-1217
West Liberty University <i>Board of Governors Executive Committee</i>	11/9/2011 10:07:02 AM	Emergency Meeting to discuss agenda items for upcoming Board meeting.	11/22/2011 8:00:00 AM Liberty Oaks, Conference Room West Liberty University West Liberty, WV 26074.

*This meeting was filed late and does not comply with the Open Governmental Proceedings Act

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<u>PRICE LIST</u>		
<u>AGENCY</u>	<u>RULE/ORDER</u>	<u>AMOUNT</u>
Education (126-36)	Instructional Resources Adoption: Notice, Request, and Instructions to Publishers (2445.41)	\$9.80
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100)	\$18.50
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202)	\$23.30



Natalie E. Tennant

Secretary of State
State of West Virginia

Office of the Secretary of State
Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.com

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1. Agency Name, (Title and Series Number)
Column	2. Rule Title, Price and Type
Column	3. Date Notice of Public Hearing or Comment Period Filed
Column	4. Date of Public Hearing or Last Date Comments Will Be Received
Column	5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6. Date Agency Approved Legislative Rules Filed.
Column	7. Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8. Legislative Action
Column	9. Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10. Date Rule is Effective

-
- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
 - Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
 - If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
 - If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
 - Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 13	OCCUPATIONAL THERAPY
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 20	SANITARIANS
TITLE 24	OSTEOPATHY
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE 33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE 35	OFFICE OF OIL AND GAS
TITLE 36	COAL MINE HEALTH & SAFETY
TITLE 38	MINING & RECLAMATION
TITLE 42	LABOR
TITLE 45	OFFICE OF AIR QUALITY
TITLE 47	OFFICE OF WATER RESOURCES
TITLE 48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 63	CONSERVATION AGENCY
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 69	HEALTH & HUMAN RESOURCES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 82	CULTURE AND HISTORY
TITLE 85	WORKERS COMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 172	STATE RAIL AUTHORITY
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY
TITLE 184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 191	FAMILY PROTECTION SERVICES BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE 205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE 207	COALFIELD COMMUNITY DEVELOPMENT
TITLE 210	GOHELP

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-1)	Board Rules and Rules of Professional Conduct \$8.00 Legislative	6/22/2011	7/22/2011	6/22/2011 Effective 8/3/2011 Amendment 7/28/2011 Effective 9/8/2011	7/28/20011	Approved 9/14/2011			
Administration (148-22)	Certification for Small, Women and Minority-Owned Business \$4.40 Legislative	5/31/2011	7/1/2011		7/15/2011	Modified & Approved 9/14/2011 Filed 9/19/2011			
Agriculture (61-2A)	Labeling of Imported Honey, Honey Products or Honey Bee By-Products, Adulterated Honey, Honey Products or Honey Bee By-Products Rule \$3.00 Legislative	6/27/2011	7/27/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/19/2011			
Agriculture (61-6D)	Nutrient Management Certification \$3.00 Legislative	6/10/2011	7/13/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/19/2011			
Agriculture (61-16)	Inspection of Meat and Poultry \$4.60 Legislative	6/2/2011	7/15/2011		7/27/2011	Approved 10/12/2011			
Air Quality (45-8)	Ambient Air Quality Standards \$2.60 Legislative	6/9/2010	7/12/2010		7/28/2010	Approved 1/9/2011	SB 114 HB 2580 Bundled SB 121	6/16/2011	6/16/2011
Air Quality (45-8)	Ambient Air Quality Standards \$17.70 Legislative	6/8/2011	7/11/2011		7/29/2011				
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration \$11.60 Legislative	6/9/2010	7/12/2010		7/28/2010	Modified & Approved 1/10/2011 Filed 1/11/2011	SB 289 HB 2899 Bundled SB 121	6/16/2011	6/16/2011
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality \$15.20 Legislative	6/8/2011	7/11/2011		7/29/2011				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources \$2.80 Legislative	6/9/2010	7/12/2010		7/28/2010	Approved 1/9/2011	SB 115 HB 2576 Bundled SB 121	6/16/2011	6/16/2011
Air Quality (45-16)	Standards of Performance for New Stationary Sources \$22.90 Legislative	6/8/2011	7/11/2011		7/29/2011				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste \$9.00 Legislative	6/9/2010	7/12/2010		7/28/2010	Modified & Approved 1/9/2011 Filed 1/11/2011	SB 290 HB 2900 Bundled SB 121	6/16/2011	6/16/2011
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste \$23.10 Legislative	6/8/2011	7/11/2011		7/29/2011				
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution Which Cause or Contribute to Nonattainment \$11.20 Legislative	6/9/2010	7/12/2010		7/28/2010	Approved 1/9/2011	SB 117 HB 2577 Bundled SB 121	6/16/2011	6/16/2011
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas \$14.20 Legislative	6/8/2011	7/11/2011		7/29/2011				
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities \$6.40 Legislative	6/9/2010	7/12/2010		7/28/2010	Approved 1/9/2011	SB 118 HB 2578 Bundled SB 121	6/16/2011	6/16/2011
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities \$12.40 Legislative	6/8/2011	7/11/2011		7/29/2011				
Air Quality (45-30)	Requirements for Operating Permits \$12.80 Legislative	1/11/2011 6/8/2011	2/14/2011 7/11/2011	12/21/2010 Effective 2/1/2011	3/16/2011				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants \$2.80 Legislative	6/9/2010	7/12/2010		7/28/2010	Approved 1/9/2011	SB 119 HB 2579 Bundled SB 121	6/16/2011	6/16/2011

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants \$41.60 Legislative	6/8/2011	7/11/2011		7/29/2011				
Air Quality (45-35)	Determining Conformity of General Federal Actions to Applicable Implementation Plans \$11.80 Legislative	6/8/2011	7/11/2011		7/29/2011				
Air Quality (45-42)	Repeal of – Greenhouse Gas Emissions Inventory Program \$8.60 Legislative	6/8/2011	7/11/2011		7/29/2011				
Alcohol Beverage Control Comm. (175-1)	Licensed Retailer Operations \$7.80 Legislative	6/2/2011	7/5/2011		7/13/2011				
Alcohol Beverage Control Comm. (175-5)	Licensing of Retail Outlets \$10.20 Legislative	6/2/2011	7/5/2011		7/13/2011				
Athletic Commission (177-2)	Administrative Rules of the WV State Athletic Comm. Regulating Mixed Martial Arts \$16.70 Legislative	6/17/2011	7/18/2011	9/21/2011 Approved 11/1/2011	7/28/2011				
Auditor's Office (155-1)	Standards for Requisitions for Payment Issued by State Officers on the Auditor \$4.8 0 Legislative	6/27/2011	7/27/2011		7/29/2011				
Auditor's Office (155-4)	Transaction Fee and Rate Structure \$4.20 Legislative	6/23/2011	7/23/2011		7/29/2011	Approved 9/14/2011			
Banking (106-5)	Rule Pertaining to Residential Mortgage Lenders, Brokers and Loan Originators \$6.80 Legislative	5/27/2011	7/1/2011		7/21/2011	Approved 9/14/2011			
Barbers & Cosmetologists (3-1)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians \$12.50 Legislative	6/13/2011	7/18/2011		7/29/2011	Approved 9/14/2011			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Barbers & Cosmetologists (3-3)	Rules and Regulations for Licensing Schools of Barbering and Beauty Culture \$3.20 Legislative	6/13/2011	7/18/211		7/29/2011	Modified & Approved 9/14/2011 Filed 9/20/2011			
Barbers & Cosmetologists (3-8)	Shampoo Assistants \$5.00 Legislative	6/13/2011	7/18/2011		7/29/2011	Approved 9/14/2011			
Coal Mine Health and Safety (36-47)	Hoisting Machinery; Telephones; Safety Devices; Hoisting Engineers and Drum Runners Legislative Exempt	10/5/2011	11/6/2011						
Community & Technical College Ed. (135-27)	Workforce Development Initiative Program \$4.80 Legislative	4/22/2011	5/23/2011	4/22/2011 Effective 4/22/2011	6/15/2011	Approved 10/11/2011			
Community & Technical College Ed. (135-32)	Tuition and Fees \$5.40 Legislative	8/24/2011	9/26/2011		10/26/2011				
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System \$4.00 Legislative	6/3/2011	7/5/2011	5/12/2011 Effective 6/23/2011	7/27/2011	Modified & Approved 9/14/2011 Filed 9/23/2011			
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors \$5.00 Legislative	6/3/2011	7/5/2011		7/27/2011	Approved 9/14/2011			
Consolidated Public Retirement Board (162-9)	West Virginia State Police \$5.60 Legislative	6/3/2011	7/5/2011	5/12/2011 Effective 6/23/2011	7/27/2011	Approved 9/14/2011			
Corrections (90-8)	Fees for Electronic Monitoring of Offenders \$3.60 Legislative	4/11/2011	5/16/2011		5/23/2011	Modified & Approved 7/13/2011 Filed 7/20/2011			
Courthouse Facilities Improvement Auth. (203-1)	Courthouse Facilities Improvement Authority \$4.60 Legislative	7/26/2011	8/31/2011		9/1/2011				
Crime, Delinquency and Correction (149-2)	Law Enforcement Training Standards \$12.80 Legislative	6/2/2011	7/6/2011	6/2/2011 Approved 7/6/2011	7/28/2011				

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Crime, Delinquency and Correction (149-6)	Motor Vehicle Search Standards \$5.00 Legislative	6/3/2011	7/6/2011		7/28/2011				
Deaf and Hard of Hearing (192-1)	Fees for Qualified Interpreters \$5.80 Legislative	6/30/2011	7/29/2011		7/29/2011				
Deaf and Hard of Hearing (192-3)	Establishment of Required Qualifications and Ethical Standards for Interpreters and Translators \$5.20 Legislative	6/30/2011	7/29/2011		7/29/2011				
Dental Examiners (5-3)	Fees Established by the Board \$3.00 Legislative	6/24/2011	7/26/2011		7/29/2011	Modified & Approved 10/11/2011 Filed 10/21/2011			
Development Office (145-7)	Neighborhood Investment Program Act \$6.20 Procedural	8/3/2011	9/3/2011						
Development Office (145-11)	Brownfield Economic Development Districts \$6.40 Legislative	6/1/2011	7/1/2011		7/5/2011				
Development Office (145-13)	Use of Coalbed Methane Severance Tax Proceeds \$4.00 Legislative	6/13/2011	7/13/2011	6/13/2011 Approved 7/6/2011	7/14/2011				
Education (126-11A)	Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education (2200) \$4.80 Legislative Exempt	9/9/2011	10/11/2011						
Education (126-36)	Instructional Resources Adoption: Notice, Request and Instructions to Publishers (2445.41) \$9.80 Legislative Exempt	11/9/2011	12/9/2011						
Education (126-44E)	Next Generation Health Education 5-12 Content Standards and Objectives for WV Schools(2520.5) \$14.40 Legislative Exempt	10/7/2011	11/7/2011						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-99)	Expected Behavior in Safe and Supportive Schools (4373) \$15.00 Legislative Exempt	9/9/2011	11/8/2011						
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) \$17.70 Legislative Exempt	7/15/2011	8/15/2011					9/9/2011	10/11/2011
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) \$18.50 Legislative Exempt	11/9/2011	12/9/2011						
Education (126-118)	Athletic Trainers in the Public Schools of WV (5112) \$11.20 Procedural	8/11/2011	9/12/2011					10/7/2011	11/7/2011
Education (126-136)	Minimum Requirements for the Licensure of Professional / Paraprofessional Personnel and Advanced Salary Classifications (5202) \$24.40 Legislative Exempt	7/15/2011	8/15/2011					9/9/2011	10/11/2011
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) \$23.20 Legislative Exempt	11/9/2011	12/9/2011						
Environmental Protection Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule \$18.60 Legislative	6/10/2011	7/12/2011		7/29/2011				
Foresters (200-1)	Certification of Registered Foresters \$4.40 Legislative	6/30/2011	7/29/2011		8/3/2011				
Foresters (200-4)	Schedule of Fees \$3.40 Legislative	6/30/2011	7/29/2011		8/3/2011				
Foresters (200-5)	Code of Ethics \$3.80 Legislative	6/30/2011	7/29/2011		8/3/2011				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Forestry (22-2)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing \$4.40 Legislative	5/27/2011	6/28/2011		7/20/2011	Approved 9/14/2011			
Forestry (22-3)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification \$4.20 Legislative	5/27/2011	6/28/2011		7/20/2011	Approved 9/14/2011			
Funeral Service Examiners (6-2)	Crematory Requirements \$10.40 Legislative	6/15/2011	7/20/2011		7/21/2011	Approved 10/11/2011			
Health (64-3)	Public Water Systems \$5.20 Legislative	6/17/2011	7/18/2011		7/29/2011				
Health (64-4)	Public Water Systems Operators Regulations \$9.60 Legislative	6/17/2011	7/18/2011		7/29/2011				
Health (64-5)	Wastewater Systems and Operators \$8.20 Legislative	6/17/2011	7/18/2011		7/29/2011				
Health (64-32)	Vital Statistics \$7.40 Legislative	6/17/2011	7/18/2011		7/29/2011				
Health (64-40)	Manufactured Home Communities \$6.60 Legislative	6/17/2011	7/18/2011		7/29/2011				
Health (64-64)	Aids-Related Medical Testing and Confidentiality \$9.80 Legislative	6/17/2011	7/18/2011		7/29/2011				
Health (64-77)	Public Water Systems Design Standards \$16.50 Legislative	6/17/2011	7/18/2011		7/29/2011				
Health (64-89B)	Credentialing Verification Organization \$5.20 Legislative	6/8/2011	7/8/2011		7/28/2011				
Health (64-98)	Safety and Treatment Program \$5.40 Legislative	6/30/2011	7/29/2011	6/30/2011 Effective 8/11/2011	7/29/2011				

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Insurance Plan (113-1)	Premium Subsidy \$4.00 Legislative	6/8/2011	7/8/2011	6/9/2011 Approved 6/30/2011	7/28/2011	Approved 10/11/2011			
Higher Education Policy Comm. (133-32)	Tuition and Fee Policy \$7.00 Legislative	8/9/2011 9/13/2011	9/8/2011 10/13/2011						
Highways (157-3)	Construction and Reconstruction of State Roads \$17.80 Legislative	5/27/2011	6/27/2011		7/21/2011				
Highways (157-7)	Transportation of Hazardous Wastes Upon the Roads and Highways \$4.80 Legislative	5/27/2011	6/27/2011		7/8/2011				
Human Rights Comm. (77-9)	Housing Discrimination Against Persons with Disabilities Who Utilize Assistance Animals \$4.20 Legislative	6/29/2011	7/29/2011		7/29/2011				
Human Services (78-1)	Child Care Centers Licensing \$23.80 Legislative	6/21/2011	7/22/2011		7/27/2011				
THE ABOVE RULE HAS BEEN WITHDRAWN 11/14/2011									
Human Services (78-18)	Family Child Care Facility Licensing Requirements \$11.60 Legislative	6/24/2011	7/27/2011		7/29/2011				
Human Services (78-19)	Family Child Care Home Registration Requirements \$11.20 Legislative	6/24/2011	7/25/2011		7/29/2011				
Human Services (78-22)	Child Care Quality Rating and Improvement System \$5.20 Legislative	6/24/2011	7/27/2011		7/29/2011				
Insurance Commission (114-2)	Licensing and Conduct of Insurance Producers and Agencies \$5.80 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-20)	Surplus Lines Insurance \$11.20 Legislative	6/8/2011	7/8/2011	6/9/2011 Approved 6/30/2011 Amendment 8/3/2011 Effective 9/14/2011	7/28/2011	Approved 10/11/2011			
Insurance Commission (114-35)	Insurance Holding Company Systems \$10.40 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/21/2011			
Insurance Commission (114-42)	Continuing Education for Individual Insurance Producers \$4.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 10/11/2011 Filed 10/21/2011			
Insurance Commission (114-93)	Mini COBRA \$5.80 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011			
Insurance Commission (114-94)	Workers' Compensation Insurance for State Agencies \$4.40 Legislative	6/24/2011	7/25/2011	6/24/2011 Approved 7/15/2011	7/28/2011	Approved 10/11/2011			
Labor (42-10)	Zipline and Canopy Tour Responsibility Act \$3.40 Legislative	6/8/2011	7/8/2011	6/8/2011 Approved 6/23/2011	7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011			
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act \$4.60 Legislative	6/27/2011	7/27/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011			
Labor (42-21A)	Supervision of Elevator Mechanics and Apprentices \$4.00 Legislative	6/27/2011	7/27/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011			
Massage Therapy Licensure Bd. (194-1)	General Provisions \$9.60 Legislative	6/17/2011	7/18/2011	6/17/2011 Approved 7/22/2011	7/29/2011	Approved 9/14/2011			
Massage Therapy Licensure Bd. (194-4)	Schedule of Fees \$8.40 Legislative	6/17/2011	7/18/2011	6/17/2011 Approved 7/22/2011	7/29/2011				

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-7)	Formation and Approval of Professional Limited Liability Companies \$4.60 Legislative	5/18/2011	6/24/2011		7/12/2011	Approved 9/14/2011			
Miners' Health, Safety and Training (56-14)	Rules & Regulations Governing the Application Process for the WV Innovative Mine Safety Technology Tax Credit Act \$3.80 Legislative	6/28/2011	7/28/2011		7/29/2011				
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance \$4.80 Legislative	6/14/2011	7/19/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/20/2011			
Natural Resources (58-26)	Special Boating Rules \$3.40 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011			
Natural Resources (58-27)	Special Motorboating Regulations \$2.60 Legislative	6/8/2011	7/8/2011	5/25/2011 Effective 7/6/2011	7/26/2011	Modified & Approved 9/14/2011 Filed 9/22/2011			
Natural Resources (58-45A)	Hunting, Trapping and Fishing Provisions \$3.60 Legislative	6/10/2011	7/11/2011		7/26/2011	Approved 9/14/2011			
Natural Resources (58-46)	Terms Defining the Terms to be Used Concerning All Hunting and Trapping Rules \$2.60 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping \$2.80 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011			
Natural Resources (58-53)	General Trapping Rule \$2.60 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011			

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-61)	Special Fishing Rule \$3.20 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011			
Nursing Home Administrators Licensing Bd. (21-1)	Nursing Home Administrators \$5.00 Legislative	2/14/2011	3/16/2011		3/28/2011	Modified & Approved 10/11/2011 Filed 10/18/2011			
Occupational Therapy (13-3)	Fees for Services Rendered by the Board \$4.00 Legislative	5/17/2011	6/30/2011		7/14/2011	Approved 9/14/2011			
Oil and Gas (35-8)	Rules Governing Horizontal Well Development \$4.60 Legislative	9/8/2011	10/11/2011	8/22/2011 Approved 8/29/2011					
Optometry (14-1)	Rules of the WV Bd. of Optometry \$3.00 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010	SB 157 HB 2630 Bundled HB 2639	8/12/2011	8/15/2011
Optometry (14-2)	Expanded Prescriptive Authority \$2.80 Legislative	6/25/2010	7/26/2010		7/30/2010	Filed 1/3/2011	SB 296 HB 2906 Bundled HB 2639	8/12/2011	8/19/2011
Optometry (14-5)	Schedule of Fees \$2.60 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010	SB 159 HB 2632 Bundled HB 2639	8/12/2011	8/15/2011
Optometry (14-6)	Examination and Scoring Policy \$2.40 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010	SB 160 HB 2633 Bundled HB 2639	8/12/2011	8/15/2011
Optometry (14-8)	Licensure by Endorsement \$2.60 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010	SB 161 HB 2634 Bundled HB 2639	8/12/2011	8/15/2011

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Optometry (14-9)	Contact Lenses that Contain and Deliver Pharmaceutical Agents Certificate \$2.40 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010	SB 162 HB 2635 Bundled HB 2639	8/12/2011	8/15/2011
Optometry (14-10)	Continuing Education \$2.80 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010	SB 158 HB 2631 Bundled HB 2639	8/12/2011	8/15/2011
Optometry (14-11)	Injectable Pharmaceutical Agents Certificate \$3.00 Legislative	6/24/2010	7/23/2010		7/30/2010	Modified with certain amendments and approved 12/14/2010 Filed 12/23/2010	SB 297 HB 2907 Bundled HB 2639	8/12/2011	11/1/2011
Osteopathy (24-1)	Licensing Procedures for Osteopathic Physicians \$14.40 Legislative	6/1/2011	7/1/2011		7/28/2011	Approved 9/14/2011			
Personnel (143-1)	Administrative Rule of the WV Div. of Personnel \$19.40 Legislative	5/20/2011	6/30/2011		7/22/2011				
Personnel (143-3)	Workers' Compensation Temporary Total Disability \$5.80 Legislative	5/20/2011	6/30/2011		7/22/2011				
Pharmacy (15-1)	Licensure and the Practice of Pharmacy \$12.60 Legislative	6/17/2010	7/18/2010		7/29/2010	Approved 11/16/2010	SB 165 HB 2597 Bundled HB 2639	6/29/2011	7/1/2011
Pharmacy (15-2)	Rules of the Bd. of Pharmacy for the Uniform Controlled Substances Act \$9.40 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011			
Pharmacy (15-3)	Bd. of Pharmacy Rules for the Continuing Education for Licensure of Pharmacists \$5.60 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011			
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors \$5.80 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011			

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-8)	Controlled Substances Monitoring \$3.40 Legislative	6/17/2010	7/18/2010		7/29/2010	Approved 11/16/2010	SB 166 HB 2598 Bundled HB 2639	6/29/2011	7/1/2011
Pharmacy (15-12)	Bd. of Pharmacy Rules Regarding Immunizations Administered by Pharmacists \$4.40 Legislative	9/14/2011	10/20/2011						
Professional Surveyors (23-1)	Examination and Licensing of Professional Surveyors in WV \$5.60 Legislative	5/17/2011	6/21/2011		7/12/2011				
Public Service Commission (150-8)	Rules and Regulations for the Government of Railroad Safety and Sanitation \$9.80 Legislative Exempt	3/31/2011	Hearing 6/2/2011 Written Comments 4/29/2011 Hearing 7/18/2011						
Public Service Commission (150-9)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers \$15.50 Legislative Exempt	7/28/2011	8/29/2011						
Public Service Commission (150-35)	Rules Governing Innovative, Alternative Sewer Systems \$5.60 Legislative Exempt	2/9/2011	3/15/2011						
Racing Commission (178-7)	Simulcast Pari-Mutuel Wagering at Authorized Gaming Facility in Historic Resort Hotel \$5.20 Legislative	7/15/2011	8/15/2011	7/14/2011 Approved 7/22/2011	9/13/2011				
Real Estate Appraiser Lic. & Cert. Bd. (190-4)	Investigative and Hearing Procedures \$4.20 Procedural	5/25/2011	6/27/2011						
Sanitarians, Bd. Of Reg. for (20-3)	Interim Fee Schedule \$2.40 Legislative	6/17/2010	7/19/2010	5/18/2010 Effective 6/29/2010	7/29/2010	Approved 11/16/2010	SB 171 HB 2600 Bundled HB 2639	6/28/2011	6/28/2011

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Sanitarians, Bd. of Ref. for (20-4)	Rules Governing the Practice of Public Health Sanitation \$3.40 Legislative	6/23/2010	7/23/2010		7/29/2010	Approved 11/16/2010	SB 172 HB 2601 Bundled HB 2639	6/28/2011	6/28/2011
School Building Authority (164-1)	School Building Authority Policy & Procedures Handbook \$43.70 Procedural	7/6/2011	8/8/2011						
Secretary of DHHR; Insurance Comm.; and Chair of the Health Care Authority (114A-1)	All-Payer Claims Database – Data Submission Requirements \$3.80 Legislative	6/14/2011	7/14/2011		7/28/2011	Modified & Approved 10/11/2011 Filed 10/21/2011			
Secretary of DHHR; Insurance Comm.; and Chair of the Health Care Authority (114A-2)	All-Payer Claims Database Program's Privacy and Security Rule \$4.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011			
Secretary of State (153-39)	Vote-by-Mail Pilot Project Phase 2: Voting by Mail \$5.60 Legislative	6/30/2011	7/29/2011		7/29/2011				
Secretary of State (153-42)	Rules for General Management and Preservation of State Records \$6.40 Legislative	6/30/2011	7/29/2011		7/29/2011				
State Police (81-3)	WV State Police Career Progression System \$8.20 Legislative	5/18/2011	6/21/2011		7/25/2011				
State Police (81-4)	Modified Vehicle Inspection Manual \$12.20 Legislative	6/16/2011	7/18/2011		7/25/2011				
State Police (81-13)	Organizational Structure \$3.20 Interpretive	6/8/2011	7/10/2011					7/25/2011	8/25/2011
Tax Department (110-10D)	Use and Acceptance of Electronic Records \$5.20 Procedural	10/28/2011	11/28/2011						
Tax Department (110-10F)	Payment of Taxes by Electronic Funds Transfer \$5.60 Legislative	1/26/2011	2/24/2011	12/29/2010 Approved 2/8/2011	4/21/2011	Modified & Approved 7/13/2011 Filed 8/5/2011			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax Department (110-13Q)	Commercial Patent Incentives Tax Credit \$5.60 Legislative	6/1/2011	7/1/2011		7/18/2011	Modified & Approved 9/14/2011			
Tax Department (110-15J)	Per se Exemption for Purchases by Contractors Performing Contracting for Government-owned Water or Sewer Utilities or Public Service District Water or Sewer Utilities \$3.00 Interpretive	8/19/2011	9/23/2011					10/13/2011	11/15/2011
Tax Department (110-50G)	Exchange of Information Agreement Between the State Tax Dept and the Dept of Commerce, the Dept of Transportation and the Dept of Environmental Protection \$3.80 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 9/14/2011			
Waste Management, Div. of Water & Waste Mgmt. (33-1)	Solid Waste Management Rule \$26.50 Legislative	6/13/2011	7/12/2011		7/29/2011				
Waste Management, Div. of Water & Waste Mgmt.. (33-20)	Hazardous Waste Management System \$10.00 Legislative	6/9/2011	7/12/2011		7/28/2011				

WEST VIRGINIA
SECRETARY OF STATE

Natalie E. Tennant

ADMINISTRATIVE LAW DIVISION

Form #2

LEGISLATIVE

Do Not Mark in this Box

2011 NOV -9 PM 3: 04

DATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W. Va. Code §§18-1-1, 18-8-1, 18-2-5, 18-4-2, 18-10E-1, 18A-2-9, 18A-2-12, 18A-3-1, 18A-3-1a, 18A-3-2, 18A-3-2a, 18A-3-2b, 18A-3-3, 18A-3-3a, 18A-3A-3, 18A-3A-2d, 18A-3-6, 18A-3-7, 18A-3-10, 18A-4-1, 18A-4-2b, 18A-4-3, 18A-4-4, 18A-4-8e, 18A-4-20, and 18A-4-20.

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 136

TITLE OF RULE BEING AMENDED: Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 9, 2011 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Lisa D. Hedrick, Coordinator

Office of Professional Preparation

West Virginia Department of Education

Capitol Building 6, Room 252

1900 Kanawha Boulevard, East

Charleston, West Virginia 25305-0330

THE ISSUES TO BE HEARD WILL BE LIMITED TO Sections 1.3, 1.4, 7.1.1.a, 9.7.3, 11.7.3.a.II.a, Appendix A and Appendix B OF THIS PROPOSED RULE.



Charles K. Heinlein
Deputy State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WV INCOME MAINTENANCE MANUAL
MANUAL MATERIAL TRANSMISSION

DATE:	December 1, 2011	CHANGE NUMBER:	629		
TO:	ALL INCOME MAINTENANCE MANUAL HOLDERS				
DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
E-1	1	3/09	E-1	1	12/11
			FORM DFA-MA-1	1	12/11

This form was created due to the removal of the interview requirement for all adult Medicaid groups. Policy questions should be directed to the DFA Family Support Policy Unit.

RAPIDS questions should be directed to the RAPIDS Help Desk.

Attachment
DW-17, Rev. 10/04

2011 NOV 14 PM 4: 11

423.20



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Joe Manchin III
Governor

Bureau for Children and Families
Office of Children and Family Policy
Division of Family Assistance
350 Capitol Street, Room B-18
Charleston, West Virginia 25301-3705
Telephone: (304) 558-8290 Fax: (304) 558-2059

Martha Yeager Walker
Secretary

LEGISLATIVE



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin
Governor

Office of the Secretary
One Davis Square, Suite 100, East
Charleston, West Virginia 25301
Telephone: (304) 558-0684 Fax: (304) 558-1130

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

November 14, 2011

MEMORANDUM

DATE: November 7, 2011
TO: The Honorable Natalie Tennant
Secretary of State
FROM: Sue Ellen Buster, Director *seb*
SUBJECT: Income Maintenance Manual – Change 630

This change was made to correct a clerical error and it will benefit the customer. Being released under Emergency Circumstances, effective February 8, 2011.

If you have any questions, please call me at (304) 558-8290.

SEB:nm

Attachment - Income Maintenance Manual Change 630

Hand Delivered

The Honorable Natalie Tennant
Secretary of State
State Capitol Complex
Charleston, West Virginia 25305

Re: Child Care Centers Licensing 78CSR1 Agency Approved Rule filed July 27, 2011

Dear Secretary Tennant:

The West Virginia Department of Health and Human Resources hereby withdraws this rule.

Sincerely,

MJL

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

MJL/jdl

cc: Debra Graham, Legislative Rule-Making Review Committee
Jason J. Najmowski, Commissioner

2011 NOV 14 PM 2:03
NOT RECORDED
FILE

2011 NOV 14 PM 2:03
NOT RECORDED
FILE

Orders Report

Docket Number	Agency	Respondent	Decision Date
11-4-9501-X	Health Care Authority	Tennyson Holdings LLC and Triad Holdings V LLC	10/31/2011
N/A	Medicine	Josiah Kenneth Lilly, III, MD	11/14/2011
N/A	Medicine	Abbas Yousef El-Khatib, MD	11/14/2011

OFFICE OF TAX APPEAL DECISIONS

NO.	SYNOPSIS	DATE ISSUED
09-186 P	<p>BUSINESS FRANCHISE TAX -- IMPOSITION OF TAX – In accordance with West Virginia Code Section 11-23-6(a) the annual business franchise tax is imposed on the privilege of doing business in this state and is collected on every domestic corporation, every corporation having a commercial domicile in this state and every foreign or domestic corporation owning or leasing real or tangible personal property or doing business in this state.</p> <p>BUSINESS FRANCHISE TAX -- DEFINITION OF DOING BUSINESS – The term “doing business” in West Virginia Code Section 11-23-3(b)(8) means any activity of a corporation enjoying the benefits and protection of the government and laws of this state, except the activity of agriculture and farming, meaning the production of food, fiber and woodland products by means of cultivation, tillage of the soil and all related farm practices occurring on not less than five acres of land used in the production of said activities resulting in the production of at least one thousand dollars of products per annum through the conduct of such business activities as set forth in section ten, article one-a, chapter eleven of this code.</p> <p>BUSINESS FRANCHISE TAX -- EXEMPTION FOR AGRICULTURE AND FARMING – Pursuant to West Virginia Code Section 11-23-7(h) the business franchise exemption is applicable to any corporation or partnership engaged in the activity of agriculture and farming, as defined in Subdivision 8, Subsection (b), Section Three of Article.23.</p> <p>BUSINESS FRANCHISE TAX -- EXEMPTIONS FROM TAXATION – Exemptions from taxation are strictly construed against the person making the claim for exemption. <i>See</i> Syllabus Point 4, <i>Shawnee Bank, Inc. v. Paige</i>, 200 W. Va. 20 488 S.E. 2d 20 (1997); and <i>Davis Memorial Hospital v. W. Va. Tax Commissioner</i>, 222 W. Va. 677, 671 S.E. 2d 682 (2008).</p> <p>BUSINESS FRANCHISE TAX -- THE OWNER OF THE PROPERTY AND THE TENANT OF THE PROPERTY ARE SEPARATE PERSONS UNDER THE BUSINESS FRANCHISE TAX STATUTE – Because Petitioner’s principal business activity is the ownership of the property and not the activity of farming Petitioner is not exempt from the business franchise tax due to the fact that it alone, did not produce, on more than five acres of land, at least one thousand dollars of products per annum. <i>See</i> again W. Va. Code Ann. §11-1A-10(b) (West 2010).</p>	10/26/2011
10-485 P	<p>PERSONAL INCOME TAX – REASONABLE CAUSE SHOWN FOR WAIVER OF ADDITIONS TO TAX – Reliance in good faith upon the tax advice of an outside accountant regarding the filing of West Virginia taxes constitutes reasonable cause for waiver of additions to tax pursuant to West Virginia Code Section 11-10-18(a)(1).</p>	10/27/2011
11-042 PD	<p>PERSONAL INCOME TAX - - FEDERAL LAW ENFORCEMENT OFFICER’S RETIREMENT BENEFITS NOT TAXABLE -- Retired federal law enforcement officer who performed duties similar to those performed by West Virginia state firefighters and police officers and who did not pay security taxes and thereby did not qualify to receive social security benefits under the civil service retirement system may exclude those retirement benefits from the West Virginia personal income tax pursuant to the ruling in <i>Dodson v. Palmer</i>,. Civil Action No. 00-C-AP (Monongalia County, WV 2000).</p>	10/5/2011

OTHER

**WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Dee Drive
Charleston, West Virginia 25311-1600**

November 14, 2011

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending November 11, 2011.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

November 7, 2011 – Marden Rehabilitation Associates of Portage County, Inc. d/b/a Marden Rehabilitation Associates of West Virginia, Marietta, Ohio, CON File #11-1-9541-P, for the proposed outpatient center in Welch, McDowell County; capital expenditure: \$75,000.

LETTER OF INTENT WITHDRAWN

October 28, 2011 – Arlington Capital Partners, Chevy Chase, Maryland, CON File #11-6-9527-A, for the acquisition of Valley-Alliance Treatment Services, Inc., a freestanding methadone Outpatient Treatment Program; capital expenditure: \$1,787,500.

LETTER OF INTENT FOR EXEMPTION RECEIVED FOR HOSPITAL AMBULATORY HEALTH CARE FACILITY

November 8, 2011 – Greenbrier Valley Medical Center, Lewisburg, Greenbrier County, CON File #11-4-9542-X, for the development of a hospital ambulatory health care facility to be located at, Greyrock Professional Park, Lewisburg, Greenbrier County. The office will be staffed by one (1) physician.

The capital expenditure associated with the project is \$100,000.

Any affected person may oppose this proposal by submitting a letter stating the reason for opposition within thirty (30) days of the first date of publication of the public notice to: Marianne Kapinos, General Counsel, West Virginia Health Care Authority, Certificate of Need Program, 100 Dee Drive, Charleston, West Virginia 25311-1600.

The last date upon which an affected party may file a letter of opposition to this proposal is December 12, 2011.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D., Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

2011 NOV 15 11:10:04

STATE

NOTICE

In re: **Charleston Area Medical Center**
RR File No. HFY12-11-59-B

The West Virginia Health Care Authority has received an application for a rate increase from Charleston Area Medical Center of Charleston, West Virginia. The hospital's application indicates an inpatient per discharge increase of 5.75% over projected actual and an outpatient per visit increase of 5.75% over projected actual to non-government payors over the previous year. Copies of the application are available to the public for inspection during normal working hours.

Any members of the public wishing to become affected parties or request a public hearing must file a written petition with the Authority no later than December 2, 2011, detailing reasons for objecting to the rate increase.

For further information, please contact Barbara Skeen, Director, Rate Review, telephone number 558-7000 or toll free 1-888-558-7002.

Date: November 8, 2011

JLP:td

A handwritten signature of James L. Pitrolo, Jr. in black ink, with the name "James L. Pitrolo, Chairman" printed below it.

James L. Pitrolo, Chairman

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D., Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

OTHER

2011 NOV 15 11:10:15 AM
JLP:td

NOTICE

In re: **Davis Memorial Hospital**
RR File No. HFY12-11-60-B

The West Virginia Health Care Authority has received an application for a rate increase from Davis Memorial Hospital of Elkins, West Virginia. The hospital's application indicates an inpatient per discharge increase of 5.50% over projected actual and an outpatient per visit increase of 5.50% over projected actual to non-government payors over the previous year. Copies of the application are available to the public for inspection during normal working hours.

Any members of the public wishing to become affected parties or request a public hearing must file a written petition with the Authority no later than December 2, 2011, detailing reasons for objecting to the rate increase.

For further information, please contact Barbara Skeen, Director, Rate Review, telephone number 558-7000 or toll free 1-888-558-7002.

Date: November 8, 2011

James L. Pitrolo, Chairman

JLP:td

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D., Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

2011 NOV 15 11:10:33 AM
JLP:td

In re:

ONSITE DIGITAL RADIOLOGY SERVICES, LLC
CON File No. 11-WV-9467-P

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that James L. Pitrolo, Jr., Chairman of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held **Wednesday, January 4, 2012 at 1:30 p.m.**, in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

An ADMINISTRATIVE HEARING will be held **Wednesday, January 11, 2012 at 9:00 a.m.**, in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the provision of Mobile Imaging Services in West Virginia.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING
ONSITE DIGITAL RADIOLOGY SERVICES, LLC**
Page Two


The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedures for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter, which is the subject of the hearing, may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 9:00 a.m. to 4:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Timothy Adkins, Certificate of Need Director, at (304) 558-7000 or toll free 1-888-558-7002.

Date: November 14, 2011



James L. Pitrolo, Jr., Chairman

OTHER

cc:

Charles M. Johnson
Frost, Brown & Todd
Laidley Tower, Suite 400
Charleston, West Virginia 25301

Thomas G. Casto
Lewis, Glasser, Casey & Rollins
Post Office Box 1746
Charleston, West Virginia 25326-1746

James W. Thomas
Jackson & Kelly
Post Office Box 553
Charleston, West Virginia 25322-0553

Robert O'Neil
Dinsmore & Shohl
Post Office Box 11887
Charleston, West Virginia 25339-1887

Raymona E. Kinneberg
Health Care Consultant
Bill J. Crouch & Associates
210 MacCorkle Avenues, SE
Charleston, West Virginia 25314

David E. Jarrett, Planning Analyst
Charleston Area Medical Center
Post Office Box 1393
Charleston, West Virginia 25325

The Honorable Natalie Tennant
Secretary of State
State Capitol Complex
Charleston, WV 25305

Garrett Reporting Services
208 Capitol Street 400
Charleston, West Virginia 25301-2224

OTHER

WEST VIRGINIA HEALTH CARE AUTHORITY

IN RE: ONSITE DIGITAL RADIOLOGY SERVICES, LLC
CON FILE #11-WV-9467-P

TIME FRAME ORDER

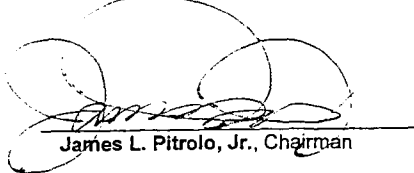
The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

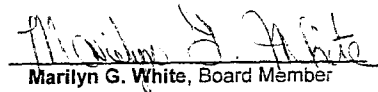
1. Hearing date: January 11, 2012 Time: 9:00 a.m.
2. Prehearing conference date: January 4, 2012 Time: 1:30 p.m.
3. Hearing on Motion for Definitive Ruling: November 16, 2011 Time: 1:30 p.m.
4. All replacement pages to CON application to be filed by: November 17, 2011
Pursuant to CSR §65-7-8, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

5. Motions for discovery to be filed by: November 22, 2011
6. Discovery completed on or before: December 22, 2011
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.
7. Dispositive and preliminary motions to be filed by: December 27, 2011
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.
8. All requests for subpoenas and/or subpoenas duces tecum to be filed by: December 27, 2011

Done this 14th day of November, 2011.


James L. Pitrolo, Jr., Chairman


Sonia D. Chambers, Board Member


Marilyn G. White, Board Member

OTHER

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D., Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

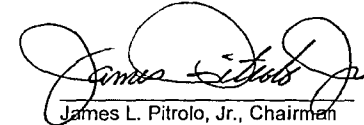
FILED
2011 NOV 16 PM 3:12
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

The West Virginia Health Care Authority (HCA) has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- Standards for Megavoltage Radiation Therapy Services/Units

Written comments may be submitted in care of Timothy E. Adkins, Director of Certificate of Need, at the address set forth below and must be received no later than December 16, 2011. Copies of the proposed Standards set forth above have been filed with the Secretary of State. The Standards may be viewed at the Authority's website, www.hcawv.org, or copies may be obtained by contacting Brenda Hancock at (304) 558-7000 or toll-free at 1-888-558-7002.

Date: November 16, 2011


James L. Pitrolo, Jr., Chairman



STATE OF WEST VIRGINIA

Department of Revenue
State Tax Department

2011 NOV 10 PM 1:33

Earl Ray Tomblin
Governor

Craig A. Griffith
State Tax Commissioner

DATE

ADMINISTRATIVE NOTICE 2011-24

SUBJECT: CONSUMERS SALES AND SERVICE TAX - Application of the amendment of 2007 and the amendment of 2011 to West Virginia Code § 11-15-8d authorizing qualified contractors to purchase services, machinery, supplies or materials exempt from Consumers Sales and Service Tax or Use Tax.

The Legislature on March 10, 2007, enacted Senate Bill 631, which amended West Virginia Code § 11-15-8d pertaining to contracting services for principals which are qualified direct use businesses. The Legislature again amended West Virginia Code § 11-15-8d(b) in 2011 by passing Senate Bill 247 which adds an exemption pertaining to contracting services for certified distribution facilities. Those amended portions of West Virginia Code § 11-15-8d(b) follow.

... However, effective July 1, 2007, this section shall not apply to purchases of services, machinery, supplies or materials, except gasoline and special fuel, to be directly used or consumed in the construction, alteration, repair or improvement of a new or existing building or structure by a person performing "contracting", as defined in section two of this article, if the purchaser of the "contracting" services would be entitled to claim the refundable exemption under subdivision (2), subsection (b), section nine of this article had it purchased the services, machinery, supplies or materials. ... This section shall not apply to qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and their components, or to qualified purchases of building materials and certain tangible personal property, as those terms are defined in section nine-n of this article, by a person performing "contracting," as defined in section two of this article, if the purchaser of the "contracting" services would be entitled to claim the refundable exemption under section nine-n of this article. Purchases of gasoline and special fuel shall not be treated as exempt pursuant to this section.

DISCUSSION

This Administrative Notice advises the public of the policy the Tax Department will follow with respect to the application of the 2007 and 2011 amendments to West Virginia Code § 11-15-8d and updates Administrative Notice 2007-19.

Prior to the amendment of 2007 West Virginia Code § 11-15-8d prohibited persons who perform contracting, or persons acting in an agency capacity, from asserting any

OTHER

exemption to which the purchaser of the contracting services, or the Principal, was entitled. However, effective July 1, 2007, persons performing construction contracting services for a person entitled to claim the exemption under West Virginia Code § 11-15-9(b)(2) may purchase exempt from Consumers Sales and Service Tax and Use Tax (hereinafter "Sales Tax") services, machinery, supplies and materials to be used or consumed in certain construction contracting activities. West Virginia Code § 11-15-9(b)(2) provides the following exemption:

(b) Refundable exemptions

Any person having a right or claim to any exemption set forth in this subsection shall first pay to the vendor the tax imposed by this article and then apply to the tax commissioner for a refund or credit, or as provided in section nine-d of this article, give to the vendor his or her West Virginia direct pay permit number. The following sales of tangible personal property and services are exempt from tax as provided in this subsection:

(2) Sales of services, machinery, supplies and materials directly used or consumed in the activities of manufacturing, transportation, transmission, communication, production of natural resources, gas storage, generation or production or selling electric power, provision of a public utility service or the operation of a utility service or the operation of a utility business, in the businesses or organizations named in this subdivision and does not apply to purchases of gasoline or special fuel;

A construction contractor performing construction contracting for the following qualified businesses may assert the exemption for qualified purchases of services, machinery, supplies and materials for use or consumption in the performance of the construction contracting service:

- (1) Business of manufacturing,
- (2) Business of transportation,
- (3) Business of transmission of liquid, natural gas or electricity by pipes or wires,
- (4) Business of communication,
- (5) Business of production of natural resources,
- (6) Business of gas storage,
- (7) Business of generation or production or selling electric power,
- (8) Business of provision of a public utility service, or
- (9) Business of operation of a utility service or the operation of a utility business.

With relation to purchases of tangible personal property, the exemption applies to purchases of tangible personal property that remains on the construction site after the construction activity is completed. It does not apply to purchases of tools, bulldozers, cranes, etc. that become the property of the construction contractor and removed from the site after construction is completed. However, rentals of cranes, bulldozers, and other equipment specifically for use on the specifically identified job by the contractor, or the hiring of a subcontractor to provide bulldozer services, crane services, etc., with an operator of the machine qualify for the exemption. Purchases by a subcontractor who is working for a prime contractor, where the prime contractor is entitled to the Senate Bill

631 exemption, are also exempt in the same manner and with the same restrictions as are applicable to the prime contractor.

The 2011 amendment adds certified distribution facility as a principal that qualifies for an exemption from Sales Tax. The exemption applies to the same qualified purchases of building materials and certain tangible personal property as well as the same restrictions as stated above. However, the amendment also includes as a refundable exemption the qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and their components for the certified distribution facility.

The above exemptions may be claimed by one of two methods:

- (1) The contractor may pay the appropriate amount of Sales Tax and claim a refund from the Tax Department; or
- (2) If the Principal has a direct pay permit, the contractor may use Form WV CST-286, "Special Contractors Exempt Purchases Certificate" issued by the Tax Department.

Purchases of building materials and tangible personal property by a contractor for construction of, and incorporation into, facilities for a government-owned water or sewer utility or a Public Service District water or sewer utility are exempt from Sales Tax pursuant to both West Virginia Code §§ 11-15-9(a)(3) and 11-15-9(b)(2). This exemption applies only to government-owned water or sewer utilities and Public Service District water or sewer utilities. For construction contracting related purchases by contractors or subcontractors for government-owned or Public Service District owned water or sewage utilities, the government-owned utility or Public Service District taxpayer identification number is used instead of the direct pay permit number on Form CST-286.

Issued: November 9, 2011


Craig A. Griffith
State Tax Commissioner

State Tax Department
Compliance and Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784

Operator on duty 8:30 am – 5:00 p.m.
Monday through Friday
Phone: (304) 558-3333 or 1-800-982-8297
Fax: (304) 558-3269
TDD Service/Hearing Impaired 1-800-282-9822

OTHER

Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division
Building I, Room W-329
1980 Kanawha Blvd., E.
Charleston, WV 25305-0610

WEST VIRGINIA LEGISLATURE Joint Committee on Government and Finance



November 16, 2011

Area Code (304)
Phone: 347-4880
Fax: 347-4889

This is a notification of the released report for the West Virginia Department of Transportation – Division of Highways for the year ended June 30, 2011, which has been made in compliance with the West Virginia Code, Chapter 4, Article 2, as amended.

Each report released by the Post Audit Subcommittee will be posted to the Legislative Post Audit Division website: (<http://www.legis.state.wv.us/Joint/postaudit/reports.cfm>).



Ms. Stacy L. Sneed, CPA, CICA, Director
Legislative Post Audit Division

THE FOLLOWING ARE PUBLICATION DATES OF THE STATE REGISTER FOR 2011

**DATES ARE THE DATES ALL FILINGS ARE TO BE RECEIVED IN THE
SECRETARY OF STATE'S OFFICE IN ORDER FOR THE MATERIAL TO APPEAR IN
THE STATE REGISTER PUBLISHED ON THE DATE LISTED.**

<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>	<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>
January 5, 2011	January 7, 2011	January 12, 2011	July 6, 2011	July 8, 2011	July 13, 2011
January 12, 2011	January 14, 2011	January 19, 2011	July 13, 2011	July 15, 2011	July 20, 2011
January 19, 2011	January 21, 2011	January 26, 2011	July 20, 2011	July 22, 2011	July 27, 2011
January 26, 2011	January 28, 2011	February 2, 2011	July 27, 2011	July 29, 2011	August 3, 2011
February 2, 2011	February 4, 2011	February 9, 2011	August 3, 2011	August 5, 2011	August 10, 2011
February 9, 2011	February 11, 2011	February 16, 2011	August 10, 2011	August 12, 2011	August 17, 2011
February 16, 2011	February 18, 2011	February 23, 2011	August 17, 2011	August 19, 2011	August 24, 2011
February 23, 2011	February 25, 2011	March 2, 2011	August 24, 2011	August 26, 2011	August 31, 2011
March 2, 2011	March 4, 2011	March 9, 2011	August 31, 2011	September 2, 2011	September 7, 2011
March 9, 2011	March 11, 2011	March 16, 2011	September 7, 2011	September 9, 2011	September 14, 2011
March 16, 2011	March 18, 2011	March 23, 2011	September 14, 2011	September 16, 2011	September 21, 2011
March 23, 2011	March 25, 2011	March 30, 2011	September 21, 2011	September 23, 2011	September 28, 2011
March 30, 2011	April 1, 2011	April 6, 2011	September 28, 2011	September 30, 2011	October 5, 2011
April 6, 2011	April 8, 2011	April 13, 2011	October 5, 2011	October 7, 2011	October 12, 2011
April 13, 2011	April 15, 2011	April 20, 2011	October 12, 2011	October 14, 2011	October 19, 2011
April 20, 2011	April 22, 2011	April 27, 2011	October 19, 2011	October 21, 2011	October 26, 2011
April 27, 2011	April 29, 2011	May 4, 2011	October 26, 2011	October 28, 2011	November 2, 2011
May 4, 2011	May 6, 2011	May 11, 2011	November 2, 2011	November 4, 2011	November 9, 2011
May 11, 2011	May 13, 2011	May 18, 2011	November 8, 2011	November 10, 2011	November 15, 2011
May 18, 2011	May 20, 2011	May 25, 2011	November 16, 2011	November 18, 2011	November 23, 2011
May 25, 2011	May 27, 2011	June 1, 2011	November 21, 2011	November 23, 2011	November 28, 2011
June 1, 2011	June 3, 2011	June 8, 2011	November 30, 2011	December 2, 2011	December 7, 2011
June 8, 2011	June 10, 2011	June 15, 2011	December 7, 2011	December 9, 2011	December 14, 2011
June 15, 2011	June 17, 2011	June 22, 2011	December 14, 2011	December 16, 2011	December 21, 2011
June 22, 2011	June 24, 2011	June 29, 2011	December 21, 2011	December 23, 2011	December 28, 2011
June 29, 2011	July 1, 2011	July 6, 2011	December 28, 2011	December 30, 2011	January 4, 2012